

**SPECIAL DIRECTIVES FOR INTERMEDIATE AND
SENIOR FOREIGN SERVICE BOARDS**

APPENDIX A

INTERMEDIATE FOREIGN SERVICE SELECTION BOARD

- A. General: The Intermediate Foreign Service Selection Board will rank order all eligible individuals indicated under Article 25.5. The rank order will determine the following, as appropriate to the Class: individuals recommended for promotion, scheduled within-class salary increases, low ranking and selection out, as well as, performance award shares based on the most recent annual performance reviews and other related actions.
- B. Eligibility Requirements for Promotion: All individuals are eligible for promotion if appointed or promoted to their current class or equivalent General Schedule (GS) grade prior to October 1 of the year preceding the convening of the Boards. Promotions recommended and approved will be effective as soon as possible after dismissal of the Boards. If it is financially advantageous, promotions will be delayed for individuals whose scheduled within-class salary increase is due on or before December 31 of the same year.
- C. Submission of Findings: The Board will prepare the following reports (negative reports are required):
1. Separate rank-ordered lists, by class, of individuals the Board recommends for promotion to the next higher class.
 2. Separate rank-ordered lists, by class, of individuals low ranked with a statement for each individual so ranked who is not referred to a Performance Standards Board (PSB).
 3. Separate alphabetical lists, by class, of career members the Board has identified for referral to a PSB for possible selection out. A statement explaining the referral to a PSB must be prepared for each individual so identified. Such statements shall cite specific examples of failure to meet standards within the last five years or since an individual's last promotion, whichever is longer.
 4. Separate alphabetical lists, by class, of all other individuals reviewed but not listed in the above reports.
 5. Separate rank-ordered lists, by class as per Article 25.37 of individuals to be considered for monetary performance awards. The rank order for these awards is

based solely on performance during the most recent annual performance review period.

- D. In addition to the above, the Board will prepare, as appropriate, the following reports and recommendations:
1. An alphabetical list of individuals who should be denied their next scheduled within-class salary increase with a written justification for each case.
 2. A list of individuals who could not be rated with a written justification for each case.
 3. A list of rating and reviewing officials who merit commendation or criticism for the quality of the performance appraisals they prepared in the most recent rating period with a written justification for each case where an official is commended or criticized.
 4. Recommendations on the training, assignment, counseling or related personnel considerations with respect to any individual or group of individuals.
 5. Recommendations concerning policies and procedures for subsequent Boards and improvements to the FAS Foreign Service performance evaluation system. Each Panel Chairperson will submit such recommendations, as appropriate, in writing to the SPO. Management will implement those recommendations it approves and provide the Chairperson a written document, with a copy to AFSA, of all modified policies, procedures, and materials. If the Chairperson so requests, Management will discuss its reasons for rejecting any recommendation.

APPENDIX B

SENIOR FOREIGN SERVICE SELECTION BOARD - PERFORMANCE PAY

- A. General: After reviewing the folders of all eligible career members of the SFS for promotion recommendations, the Board will make recommendations for performance awards and Presidential Rank Awards. This appendix establishes the procedures and criteria for recommending awards of performance pay and pay level adjustments.
- B. Authority: Section 405 of the Act authorizes the award of performance pay to career members of the SFS. Sections 602 and 2103 of the Act provide for eligibility, competition, and the awarding of performance pay. Paragraph 8b of FAM Circular No. 9 of March 6, 1981 (as extended), establishes the basic SFS performance pay regulations; and Public Law 97-377 sets the ceiling on the number of awards and the salary ceiling on individual awards.
- C. Types of Awards
 - 1. Agency Performance Awards: Performance awards are conferred by the Agency on the basis of performance during the most recent rating period. These individual performance awards may not exceed 20 percent of base salary and are subject to the limits on the total number of awards established by law and by the Office of Personnel Management regarding the Agency performance bonuses for members of the Senior Executive Service (SES).
 - 2. Presidential Rank Awards: Presidential awards are conferred on the basis of recommendations by an Interagency Selection Board reviewing SFS career members nominated by the Foreign Affairs Agencies. Presidential Rank Awards include the Distinguished Service Award for sustained extraordinary accomplishment and the Meritorious Service Award for sustained superior accomplishment. The cash payment amount of these awards is governed by 22 USC Section 3965(b)(3), as amended and, by 5 USC, Section 5307 (a) and (b) or by any legislation which supercedes these provisions. Presidential Rank Awards may be conferred on no more than five percent of the members of the SFS, with no more than one percent receiving the Distinguished Service Award. SFS career members may not receive a performance award and a Presidential Rank Award for performance in the same rating year.
- D. Eligibility for Performance Pay
 - 1. General: Career members who are in the SFS at the end of the most recent performance rating period under career appointments are eligible to compete for performance pay.

2. Eligibility for Agency Performance Pay Awards: To be eligible for an Agency award based on performance during the most recently concluded rating period, a SFS career member must have been evaluated for a minimum of 90 days during the rating period.
3. Eligibility for Nomination for Presidential Rank Awards: To be eligible for nomination to the Interagency Selection Board for consideration for a Presidential Rank Award, an SFS career member must have appraisal reports in the performance folder covering performance of one year or more while in the SFS as of the end of the most recently concluded rating period.
 - a. An SFS career member may be nominated and receive a Presidential Rank Award for Distinguished Service no more than once within five consecutive fiscal years.
 - b. An SFS career member may be nominated and receive a Presidential Rank Award for Meritorious Service no more than once within five consecutive fiscal years.
 - c. EXAMPLE: An SFS career member receives the Meritorious Service Award in January 1992, and the Distinguished Service Award in January 1994. That career member will not be eligible again for nomination for the Meritorious Service Award until January 1997, or for the Distinguished Service Award until January 1999.
 - d. The Board will be advised of an SFS career member's eligibility prior to nominating individuals for the current fiscal year.

E. Selection Criteria

1. Agency Performance Awards: In considering and recommending SFS career members for Agency performance awards, the Board will be guided by the following criteria:
 - a. The relative value of the SFS career member's achievement to the accomplishment of the FAS mission;
 - b. The degree of difficulty inherent in successful achievement by the SFS career member;
 - c. The extent to which achievement was characterized by strong executive leadership and significant contributions in the formulation and implementation of FAS policies;
 - d. The extent of demonstrated highly developed, functional foreign language and

- area expertise;
 - e. Effective supervision and development of subordinates;
 - f. Achievements in the areas of cost reduction, efficiency, quality of work, productivity, timeliness, and in improving managerial flexibility and effectiveness;
 - g. Meeting affirmative action goals and achievement of equal opportunity and civil rights requirements;
 - h. Achievements in the identification, correction, and control of waste, fraud, and mismanagement; and,
 - i. The degree of difficulty of working conditions.
2. Presidential Rank Award Nominations: SFS career members under review for nomination for Presidential Rank Awards, in addition to being judged by the criteria above, must consistently have demonstrated sustained accomplishment at a superior or extraordinary level as a member of the SFS for one or more annual performance rating cycles, as well as qualities of integrity and creativity, and have maintained a high degree of public trust. Evidence of significant, sustained accomplishment may be found in such areas as the following:
- a. Significant contributions to the national interest in the field of foreign affairs;
 - b. Managerial accomplishments in cooperative efforts with other Foreign Affairs Agencies, with other federal agencies, other government entities and/or the private sector; and,
 - c. Achievements of Agency-wide importance in policy, technical, program and/or human resource terms.
- F. Conferral of Agency Performance Pay Awards
- 1. The Board will review and rank in order of merit, on the basis of their performance appraisal for the most recent rating period, the SFS career members eligible for performance pay. There is no limit on the number of SFS career members the Board may recommend, but the number of performance awards conferred cannot exceed the totals determined by Management.
 - 2. In making recommendations, the Board will be guided entirely by the criteria listed above. In applying these criteria, the Board should recognize that not all SFS career

members under consideration will have had the opportunity to demonstrate achievement in all of the areas cited. Board members should not assess performance on the basis of the number of criteria met, but rather in terms of the demonstrated contributions and accomplishments achieved. Board members must apply the relevant criteria as realistically and fairly as possible, discuss their views where meaningful differences exist, and exercise their judgment to the fullest extent of their wisdom and experience.

G. Nominations for Presidential Rank Awards

1. The Board will be advised of the number of nominations authorized for each type of Presidential Rank Award prior to nominating SFS career members for the current fiscal year. The Board will not nominate more SFS career members than the number authorized.
2. The Board will review those SFS career members ranked at or near the top of the Agency performance awards rank-ordered list and identify those who, on the basis of their performance record for one or more years, should be nominated for a Presidential Rank Award.
3. The Board will prepare a brief statement of justification in support of its recommendation for each SFS career member nominated for a Presidential Rank Award. The statements will be sent to the Interagency Selection Board, together with pertinent evaluation material for use by that Board in making SFS-wide award recommendations.

H. Payment of Performance Pay

1. An SFS career member may be nominated both for an Agency award and for a Presidential Rank Award. However, s/he may not receive both awards in the same competition year. Agency awards will be paid to the SFS career members recommended by the Selection Board in accordance with:
 - a. The Board's rank order;
 - b. USDA's SES percentage awards; and,
 - c. the amounts and numbers authorized by Management.
2. Payment will be made as soon as practicable without regard to possible subsequent conferral of Presidential Rank Awards.
3. Presidential Rank Awards will be paid, as soon as feasible, to all recipients named by

the President in the amounts indicated, subject to the applicable legal limitations.

4. An SFS career member named by the President to receive a Meritorious or Distinguished Service Award, who has already received an Agency Performance Pay Award, will have the Agency award canceled and will receive the Presidential Rank Award. The amount of the Presidential Rank Award stipend will be reduced by the amount already paid as an Agency award. Where the Selection Board has identified more SFS career members for Agency awards than the number authorized, each Presidential Rank Award recipient deleted from the list will be replaced by an SFS career member added in rank order starting with the top ranked career member below the cut-off point for Agency awards. Such SFS career members will receive awards in the amount authorized.
- I. Submission of Findings: The Board will prepare the following reports:
1. A rank-ordered list of SFS career members recommended for Distinguished and Meritorious Service Presidential Rank Awards.
 2. A rank-ordered list of all SFS career members recommended for Agency Performance Pay Awards.
 3. An alphabetical list of all SFS career members reviewed who are not in categories 1 or 2 above.
 4. An alphabetical list of all SFS career members recommended for pay level adjustments.
 5. An alphabetical list of all SFS career members reviewed who are not recommended for pay level adjustments. The Board will prepare a written justification for each.
 6. Recommendations concerning policies and procedures for subsequent Boards and improvements to the performance pay process. See Appendix A, Section D.5, of this article for procedures on how to submit such recommendations.
- J. Removal of a Name Recommended for Performance Awards: The SPO may recommend to the Administrator/FAS the removal of a name from the list of SFS career members recommended for performance awards or pay level adjustments under the same circumstances and requirements as apply to removal of names from promotion lists as set forth in Article 25.56.

APPENDIX C

SENIOR FOREIGN SERVICE SELECTION BOARD - PROMOTION

- A. General: The Board will rank order all eligible career members in the classes of Career Minister, Minister Counselor, Counselor, and Class 1. All career members certified to the Board for LCE consideration will be reviewed under the precepts and procedures outlined in Article 25.40. Prior to this review, and following the recommendation of career members for promotion, the Boards will have received a briefing on the criteria and procedures for review.
- B. Eligibility Requirements for Promotion
1. For promotion to the class of Career-Minister, a career member, on the date the Board convenes, must have been in the class of Minister-Counselor for a minimum of one year.
 2. For promotion to the class of Minister-Counselor, a career member, on the date the Board convenes, must have been in the class of Counselor for a minimum of one year.
 3. For promotion into the SFS Class of Counselor, on the date the Board convenes, a career member must have:
 - a. served in Class 1 for a minimum of one year;
 - b. been assigned and served as the senior agricultural officer at a U.S. Embassy, Mission or Agricultural Trade Office;
 - c. been assigned and served in FAS/W as a supervisor or management official; and
 - d. made application for entry into the Senior Foreign Service in accordance with procedures outlined in Appendix E.
 4. Career members serving under an LCE are not be eligible for promotion.
- C. Special Instructions
1. Panel A will consider for promotion all eligible career members in the Class of Minister Counselor. Panel A should be aware that few career members demonstrate the qualifications warranting advancement to the Class of Career Minister. This class requires career members whose records emphasize performance which demonstrates

strong policy formulation capabilities, executive leadership qualities, and highly developed foreign agricultural affairs expertise.

2. Panel A will consider for promotion all eligible career members in the Class of Counselor. The Panel should be aware that few career members demonstrate the qualifications warranting advancement to the class of Minister Counselor. This class requires career members who have consistently demonstrated outstanding ability in discharging the highly responsible and difficult duties connected with the conduct of foreign agricultural affairs.
 3. Panel B will consider for promotion all eligible career members in Class 1. The Panel should be aware that promotion into the SFS represents a determination that the career members promoted are capable of carrying out the very demanding and responsible duties of senior level positions. Some career members under review may not have this additional potential and should more appropriately complete their careers in Class 1. Requirements at the SFS level, the top of the Foreign Service Schedule, reflect a superior level of achievement.
- D. Submission of Findings (Class Specific): Panels A and B will prepare the following reports (negative reports are required):
1. Career Minister
 - a. A rank-ordered list of career members recommended for LCE.
 - b. A rank-ordered list of career members low ranked, with a counseling statement for each career member so ranked who was not referred to a Performance Standards Board (PSB).
 - c. An alphabetical list of career members recommended for referral to a PSB for possible selection out. A written justification explaining referral to a PSB must be prepared for each career member. Each statement shall cite specific examples of failure to meet standards within the last five years or since the last promotion, whichever is longer.
 - d. An alphabetical list of career members reviewed who are not in categories b or c above.
 2. Minister Counselor
 - a. A rank-ordered list of career members recommended for promotion.
 - b. A rank-ordered list of career members recommended for an LCE.

- c. A rank-ordered list of career members low ranked with a written justification for each individual not referred to a PSB.
 - d. An alphabetical list of career members identified for referral to a PSB for possible selection out. Statements explaining referral to a PSB must be prepared for each career member. Such statements shall cite specific examples of failure to meet standards within the last five years or since the last promotion, whichever is longer.
 - e. An alphabetical list of career members reviewed who are not in categories a, c, or d above.
3. Counselor
- a. A rank-ordered list of career members recommended for promotion .
 - b. A rank-ordered list of career members recommended for an LCE.
 - c. A rank-ordered list of career members low ranked with a written justification for each individual not referred to a PSB.
 - d. An alphabetical list of career members identified for referral to a PSB for possible selection out. Statements explaining referral to a PSB must be prepared for each career member. Such statements shall cite specific examples of failure to meet standards within the last five years or since the last promotion, whichever is longer.
 - e. An alphabetical list of career members reviewed who are not in categories a, c, or d above.
4. Class 1
- a. A rank-ordered list of career members recommended for promotion .
 - b. A rank-ordered list of career members recommended for an LCE.
 - c. A rank-ordered list of career members low ranked with a written justification for each individual not referred to a PSB.
 - d. An alphabetical list of career members identified for referral to a PSB for possible selection out. Statements explaining referral to a PSB must be prepared for each career member. Such statements shall cite specific examples of failure to meet standards within the last five years.

- e. An alphabetical list of career members reviewed who are not in categories a, c, or d above.
 - f. An alphabetical list of career members recommended for denial of their next scheduled within-class increase with a written justification for each recommendation.
- E. Submission of Findings (General): Panels A and B will prepare the following reports on all classes:
- 1. A list of career members who could not be rated with a written justification for each case.
 - 2. A list of rating and reviewing officials who merit commendation or criticism for the quality of the evaluation reports they prepared in the most recent rating period with a written justification in each case where an official is commended or criticized.
 - 3. Recommendations on the training, assignment, counseling or related personnel considerations with respect to any career member reviewed.
 - 4. Recommendations concerning policies and procedures for subsequent Boards and improvements to the FAS Foreign Service performance evaluation system. See Appendix A, Section D.5, of this article for procedures on how to submit such recommendations.

APPENDIX D

SENIOR FOREIGN SERVICE SELECTION BOARD - RECERTIFICATION

- A. Authority: SFS career members in the Department of Agriculture are subject to recertification, pursuant to Section 305 of the Act, as amended by Section 506 of the Ethics Reform Act of 1989 (Public Law 101-194, November 30, 1989).
- B. Objective
 - 1. Recertification is a vehicle for ensuring that the performance of SFS career members demonstrates the excellence needed to meet the objectives set by the Act; that is, "a Senior Foreign Service which is characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise."
 - 2. To the extent possible, recertification procedures will parallel those for other SFS personnel actions.
- C. Coverage
 - 1. SFS career members who have been continuously employed in the SFS for 156 weeks preceding the end of the recertification period (see E1 of this Appendix) are subject to recertification. This period includes any service as an SFS non-career or limited appointee as well as SFS service in another agency or department.
 - 2. One or more breaks in SFS service totaling 6 months or less does not interrupt the 156 weeks of continuous employment. For this purpose, "breaks in service" would include periods when the SFS career member was: separated from the SFS (including Presidential appointments at Executive Level V or higher); or sent to an international agency or department with re-employment rights in the SFS.
 - 3. Periods which would not be considered a break in SFS service include but are not limited to: sabbaticals, training (including senior seminar), details to other Federal agencies or departments, details to state and local governments or private organizations while still remaining on the Federal payroll, service with the American Institute in Taiwan, a Multinational Force, and observers to Multinational Forces.
 - 4. SFS career members who are on extended detail or extended absence from their positions at the time of recertification, will generally be subject to recertification, so long as they were in career SFS status at the end of the recertification period and meet the 156-week service requirement.

5. This recertification plan does not apply to SFS non-career, SFS limited appointees, or former SFS career members who are on Presidential appointments with Senate confirmation at Executive Level V or higher, regardless of whether they elected to retain SFS benefits. However, career members who have returned to career SFS status after holding Presidential appointments may have their performance while serving on such appointments taken into consideration in recertification.

D. Recertification Period

1. Recertification shall take place every third calendar year after the initial recertification (June 30, 1991) or the date of entry into the SFS, whichever is later. The end of the annual performance appraisal period will serve as the end of the 156-week employment period for calculating recertification eligibility.
2. A SFS career member who transfers to the Department of Agriculture after having been recertified as an SFS career member by another Department within the same calendar year, is not subject to recertification until the end of the 156 week period after their prior certification.
3. An individual, who transfers from another Department without having been recertified as a SFS career member in the same calendar year, is subject to recertification in the Department of Agriculture after 156 weeks after their prior certification. The SPO will request the required performance appraisals and other relevant information from the previous Department.

E. Standards for Re-certification

1. To be recertified, SFS career members must have performed at the level of excellence expected of a senior executive during the recertification period in the following areas:
 - a. Planning for, substantially advancing, and attaining Presidential, Departmental, or organizational goals and objectives that required a sustained superior effort;
 - b. Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services;
 - c. Taking the necessary actions to ensure the achievement of a quality product in a timely manner; and,
 - d. Making significant technical, scientific, or professional contributions.
2. Also, if applicable to the responsibilities of the SFS career member, excellence is

demonstrated by:

- a. Achieving substantial savings in the execution of programs under his/her direction;
- b. Maintaining the high quality and effectiveness of a program under his/her direction with reduced resources;
- c. Providing strong leadership to enhance the development, utilization, and achievements of subordinate personnel, including achievement of equal employment opportunity and civil rights goals; or,
- d. Superior accomplishment during long-term training.

F. Procedures for Recommending Recertification

1. Because of the mobility of the SFS, few supervisors are able to recommend recertification based on three years' performance, as intended by the Ethics Reform Act. Thus, the Panel A meeting in the year of recertification will make this recommendation. The Board considering each class within the SFS will base its recommendation on all material in the SFS career member's official performance folder (including the annual recommendations of the supervisor(s)), related to performance during the previous three rating years and whatever additional materials submitted by the SFS career member that is included in the folder by the SPO. These procedures will be used in conjunction with the Foreign Service Selection Board Precepts, and will be subject to the general principles governing the Board. There will not be a prescribed distribution of how many or what percentage of SFS career members will be recertified, conditionally recertified, or not recertified.
2. A SFS career member who has been recertified remains subject to retirement for expiration of TIC. Recertification does not preclude any personnel action based on the recommendations of Panel A.
3. After completing its deliberations on recertification, Panel A will forward the following to the Administrator/FAS:
 - a. a list of those SFS career members it recommends for recertification;
 - b. a list of those SFS career members it recommends for conditional recertification;
 - c. a list of those SFS career members it recommends not be recertified;

- d. a recertification list for SFS career members, indicating the action recommended, signed by the Panel A Chairperson and each Panel member; and,
 - e. a written justification for each SFS career member in b and c above, specifying those aspects of the standards for recertification that have not been met, citing examples, and, as appropriate, quoting from the performance record. This justification will not only provide a basis for the SFS career member's response and the Agency's final decision but will serve as a guide to performance improvement for those conditionally recertified.
- G. Impact on Other Panel A Recommendations: A Panel A which recommends that an SFS career member be conditionally recertified, may not recommend that SFS career member for promotion, performance pay, or Presidential Rank Award, and should consider low-ranking him/her. Normally, Panel A should also recommend either that the career member's next ES pay level increase be denied, or that the career member's pay be reduced by one level, e.g., FE-03/03 to FE-03/02.
- H. Decisions on Panel A Recommendations
- 1. The Administrator/FAS, shall make final decisions for SFS career members on behalf of the Department. Hereafter, the Administrator/FAS, is referred to as the Deciding Official for SFS career members.
 - 2. Decisions to Recertify: The Deciding Official will normally accept and implement Panel A's recommendation to recertify an SFS career member. The Deciding Official will sign the recertification form, and the career member will remain in the SFS. However, the Deciding Official may return a recommendation to Panel A and defer a final decision pending resolution of any questions on conformity with regulations or Precepts. The Deciding Official may also defer a final decision if the career member is subject to an ongoing investigation or adverse action involving issues of loyalty, security, misconduct, or malfeasance. If the reason for any deferral is resolved in favor of the SFS career member, or if any disciplinary action taken falls short of removal, the Deciding Official will make the final decision to recertify or not recertify. The effective date of that decision will be the date of the list from which the career member's name was initially excluded.
- I. Decisions to Conditionally Recertify or Not Recertify
- 1. The Deciding Official will first conduct an administrative review of each case to ensure conformity with regulations and the Precepts. The Deciding Official may return any or all of the recommendations to Panel A and defer further action until questions are resolved.

2. The records of SFS career members not recommended for recertification will be reviewed by the FAS Associate Administrator(s) before Panel A's non-recertification recommendations are implemented. The Deciding Official may, on the basis of the FAS Associate Administrator(s)'s recommendations, determine that for compelling reasons, a career member should be recertified or conditionally recertified.
3. In the case of recommendations for conditional recertification, the Deciding Official will send a letter notifying the affected SFS career member of Panel A's recommendation. The letter shall include:
 - a. Copies of the completed recertification determination form and Panel A's justification for the recommendation;
 - b. An explanation of the terms of conditional recertification:
 - (1) that the SFS career member is responsible for undertaking an intensive, 12-month program to correct the deficiencies cited in Panel A's justification memorandum and starting on the date that the Deciding Official signs the conditional recertification;
 - (2) that the Deciding Official will make a final decision on whether to recertify or to remove the career member from the SFS based on the recommendation of a special SFS Selection Board convened to review the case after the 12-month conditional recertification has expired;
 - (3) that the SFS career member shall be retained in the SFS if recertified and shall have any reduction in ES pay level made under subsection G restored as of the beginning of the first pay period following recertification when 12 months have elapsed since the pay reduction;
 - (4) that the Selection Board described in (2) above will make a recommendation on whether to recertify after reviewing: the 3 years' performance record on which the conditional recertification recommendation was made; the justification for conditional recertification; and the SFS career member's success in overcoming the cited deficiencies as evidenced in subsequent performance appraisals and any written statement s/he might wish to make; and,
 - (5) that the decision to conditionally recertify may not be grieved or appealed, though a subsequent decision not to recertify could be appealed either to the Foreign Service Grievance Board or a Special Review Board.
4. In the case of recommendations for non-recertification, the Deciding Official will

send a letter notifying the affected SFS career member of the Selection Board's recommendation. The letter shall include:

- a. Copies of the completed recertification determination form and Panel A's justification for the recommendation;
 - b. Notice that the SFS career member is entitled to a maximum of 15 calendar days to respond, either in a personal appearance before the Deciding Official or in writing, or both, to show cause why the recommendation should not be implemented.
 - c. Notice that the SFS career member is entitled to a reasonable amount of time without charge to leave to prepare and present his/her response. The notice will include the amount of time deemed reasonable, and the name of the person the SFS career member must contact about using the time granted or to request more time; and,
 - d. Notice that the SFS career member has the right to be represented by counsel or by any other representative of his/her own choosing at any stage of the process, but that a personal appearance before the Deciding Official is not a formal hearing which is adverse in nature.
5. The Deciding Official will consider any response by the SFS career member in making a final decision on Panel A's recommendation not to recertify and will provide him/her with written notice of the decision within 45 calendar days after receipt of his/her response.
6. The Deciding Official's notification of a decision not to recertify an SFS career member will include the following:
- a. A copy of the completed recertification determination form and supporting documentation;
 - b. Notification that the SFS career member will be retired involuntarily for failure to be recertified;
 - c. The SFS career member so retired shall be entitled to the same benefits as personnel retired under Section 608 of the Act and implementing regulations issued thereunder;
 - d. The date on which the SFS career member will be retired;

- e. The SFS career member's rights to appeal the decision to the Foreign Service Grievance Board, 3 FAM 4400, and copies of the regulations governing the procedures;
 - f. The time limit 30 working days from date of receipt for filing an appeal and warning that failure to appeal the decision within the prescribed time limits will remove the SFS career member's case from the jurisdiction of both the Foreign Service Grievance Board and the Special Review Board;
 - g. That the SFS career member's appeal of involuntary retirement does not waive any existing right to retire voluntarily at any time prior to the effective date of involuntary retirement.
7. The effective date for involuntary retirement due to failure to be recertified will be within 90 calendar days of the date of official notification of the final decision by the Deciding Official. The date may be temporarily postponed, however, by the Deciding Official, where the interests of the Foreign Service so require, but in no case may such postponement exceed one year.

APPENDIX E

PROMOTION INTO THE SENIOR FOREIGN SERVICE FOR FOREIGN SERVICE CAREER MEMBERS IN CLASS 1

A. The Act contains the specific provisions concerning promotion into the SFS:

"Promotions into the Senior Foreign Service shall be recommended by Selection Boards from among career members of the Service assigned to Class 1 in the Foreign Service Schedule who request that they be considered for promotion into the Senior Foreign Service. The Secretary shall prescribe the length of the period after such request is made during which members may be considered by Selection Boards for entry into the Senior Foreign Service. A request by a member for consideration for promotion into the Senior Foreign Service under this subsection may be withdrawn by a member, but if it is withdrawn, that member may not thereafter request consideration for promotion into the Senior Foreign Service". (See Section 601(c)(1), P.L. 96-465.)

B. To implement these provisions, FAS has established the following procedures:

1. Conditions of Application: Panel B will consider for promotion those career members of Class 1 who have submitted in writing an application for entry into the SFS. To be considered by Panel B, applications must be received in the SPO by September 1 of the year in which Panel B convenes. Applications received after that date will be considered by Panel B the following year.
2. Eligibility: To be eligible to apply for the SFS, an individual must:
 - a. be a career member of the Foreign Service;
 - b. have served in Class 1 for a minimum of one year;
 - c. have been assigned and served as the senior agricultural officer of a U.S. Embassy, Mission, or Agricultural Trade Office; and
 - d. have been assigned and served in FAS/W as a supervisor or management official.
3. Employee Status: Once a career member submits an application for the SFS, s/he will be considered by twelve consecutive Panels. If not promoted by one of these Panels, s/he will be required to leave the Foreign Service. The date of retirement will be determined by the SPO, but the date will not be later than six months after the twelfth Panel concludes its business. In all cases, members to be retired under these

provisions would be given sufficient advance notice to allow the member at least 60 days in the United States prior to the date of retirement. The Act permits the Secretary to temporarily extend career appointments by one year when in the public interest. Such extensions may be granted only in special circumstances, and the provision is expected to be used rarely. Career members required to leave the Foreign Service because of failure to be promoted under the conditions outlined above, will be eligible for an immediate annuity whether or not they have reached 50 years of age and have 20 years of creditable service.

4. Impact on Class 1 TIC: Career members in classes 4 through 1 have a TIC limit of 22 years in any combination of those classes, but not more than 15 years in any one of the classes. These limits are calculated from time of career appointment or promotion into class as a career member of the Foreign Service (pay plan FO), and exclude any time served in limited appointments (pay plan FP). When promotion into the SFS is achieved, all previous TIC limits are replaced by those of the SFS classes. Class 1 career members and SFS career members are also eligible for LCE upon expiration of the initial TIC period.
5. Decisions to Defer or Decline Applications and Withdrawals
 - a. A Class 1 career member may defer or decline to submit an application for the SFS as long as s/he desires. However, the performance of such career members will continue to be reviewed and ranked by Panel B with other Class 1 career members, for the purpose of merit service increase, low rank, and selection out recommendations.
 - b. A career member, after applying for the SFS, may withdraw his/her application, but s/he will not be eligible to request consideration for promotion into the SFS at any time after withdrawal. Career members who withdraw their application continue to be subject to mandatory retirement for age and expiration of maximum TIC.
6. Option Statement - Example

Subject: Request for Consideration for Promotion into the Senior Foreign Service

As a career member of Class 1 of the Foreign Service promoted or appointed to my present class prior to October 1, [year preceding the Panel's consideration], and having been assigned and having served as the senior agricultural officer of a U.S. Embassy or Agricultural Trade Office and as a supervisor or management official in FAS/W, I request consideration by the [year] Senior Selection Boards for promotion into the Senior Foreign Service.

I recognize this request entitles me to consideration for promotion by twelve Senior Selection Boards and that this request will not extend my time-in-class or time-in-service limits if they expire before twelve consecutive reviews by Panel B.

I understand that if not promoted into the Senior Foreign Service, I am subject to mandatory retirement at age 65, expiration of time-in-class and time-in-service, or within six months after the twelfth Senior Selection Board with my mandatory retirement date set by the SPO, whichever occurs first.

SIGNATURE _____ DATE _____

APPENDIX F

INADMISSIBLE COMMENTS

- A. Inadmissible comments may not be included in any section of the performance appraisal (including the rated individual's comments), nor in other forms of evaluative material, such as inspector's reports, training reports, and letters of commendation. Rating and reviewing officials and SPO review panels should exercise care to avoid the submission of reports containing inadmissible comments.
- B. If the SPO discovers inadmissible comments in a performance evaluation report, s/he will so inform and work with the individual and, if necessary, the rating official, to correct or remove the inadmissible comments. The SPO may not change an evaluation report without first making every effort (i.e., multiple attempts via email, phone and/or facsimile) to notify the individual and, if necessary, the rating official, in a timely manner. If the SPO does not receive a reply from the individual, no changes to the individual's evaluation report can be made until three working days before the report must be forwarded to the Selection Boards. At this time, the SPO may remove clearly inadmissible comments. The SPO must provide written notification of such changes to the individual and rating official.
- C. The following subjects are inadmissible in any part of the report either as direct or indirect comments:
1. Reference to race, color, religion, sex (does not extend to the use of Mr., Mrs., Miss, Ms., or first names or personal pronouns), national origin and age;
 2. Ranking by former Selection Boards or impending selection-out;
 3. Physical characteristics and personal qualities that do not affect performance or potential;
 4. Marital status or plans; references to spouse or family, including those relating to social activities or the ability of a member of the family to represent the United States;
 5. Retirement, resignation, or other separation plans;
 6. Grievance, equal employment opportunity, Civil Rights, or Merit Systems Protection Board proceedings;
 7. Method of entry into the Foreign Service;
 8. References to private U.S. citizens by name;

9. Participation or nonparticipation in any organization composed of Foreign Service members which exists for the purpose, in whole or in part, of dealing with Foreign Affairs Agencies concerning grievances, personnel policies and practices;
 10. Ratings for earlier periods prepared by other supervisors;
 11. Reluctance to work beyond the normal tour of duty;
 12. Official leave record, except in the case of unauthorized absences;
 13. Negative reference to use of the dissent channel or direct or indirect reference to, or consideration of, judgments in dissent channel messages as a basis for an adverse evaluation of performance or potential. When the rated individual's expression of dissenting views on policy, outside of the dissent channel, raises substantial questions of judgment or obstructionism relevant to the individual's performance, it may be the subject of comment. However, general comment may not be used to get around the proscription of this section. Specific instances must be cited.
 14. Negative or pejorative comments regarding the performance of another identifiable employee. (Rating and reviewing officials cannot state "the individual quickly brought order out of the chaos left by his/her predecessor." On the other hand, the description "the individual is the best administrative officer I have supervised in the past 10 years" is acceptable.); and,
 15. Specific identification by rating or reviewing officials of physical disability or medical problem (including alcoholism, drug abuse, or rehabilitation efforts).
- D. Although the details or specific identification of a medical problem are inadmissible in the evaluation report, general reference may be made to confirmed knowledge of a medical problem to the extent it affects job performance.
- E. Rated individuals may discuss their own health problems in specific terms only if rating or reviewing officials have made general references to such problems, or if such discussion is necessary to explain or clarify adverse comments in a report.
- F. Significant instances of superior or exceptional performance in difficult circumstances or of undependableness, inefficiency, discredit brought on the Foreign Service, and general poor performance should be documented in the performance appraisal even if reference to the cause itself is inadmissible.
- G. Work done in a representational capacity, such as representing employees in

grievances, negotiations, or managing the internal business of the Union, must not be considered either positively or negatively in arriving at an individual's performance rating.